

Re: FOIA Request 08-FOI-00148-12, dated March 6, 2012, regarding North Dakota regional haze

Jeremy Nichols to: Fallon.Gail

04/12/2012 09:07 AM

From: Jeremy Nichols <jnichols@wildearthguardians.org>

To: Fallon.Gail@epamail.epa.gov

Cc: Freeman.Crystal@epamail.epa.gov, Staller.Jonah@epamail.epa.gov, Ferguson.Vicki@epamail.epa.gov

That sounds good, thanks, Gail.

Jeremy

On Thu, Apr 12, 2012 at 8:48 AM, Gail Fallon <Fallon.Gail@epamail.epa.gov> wrote:

Dear Mr. Nichols,

The outside due date of September 1, 2012 that we agreed to for the subject FOIA request falls on a Saturday. We are adjusting this to August 31, 2012 so that it falls on a business day. If you have any questions, please contact me at [\(303\) 312-6281](tel:303-312-6281).

Sincerely,

Gail Fallon

Regional Haze Program Manager

Air Quality Planning Unit (8P-AR)

US EPA Region 8

1595 Wynkoop Street

Denver, CO 80202-1129

Phone: [303-312-6281](tel:303-312-6281)

Fax: [303-312-6064](tel:303-312-6064)

Email: Fallon.Gail@epa.gov

▼ Gail Fallon---04/04/2012 01:24:30 PM---Dear Mr. Nichols: The above-referenced Freedom of Information Act (FOIA) request seeks "[a]ny and al

From: Gail Fallon/R8/USEPA/US

To: jnichols@wildearthguardians.org

Cc: Jonah Staller/R8/USEPA/US@EPA, Crystal Freeman/R8/USEPA/US@EPA, Vicki Ferguson/R8/USEPA/US@EPA

Date: 04/04/2012 01:24 PM

Subject: FOIA Request 08-FOI-00148-12, dated March 6, 2012, regarding North Dakota regional haze

Dear Mr. Nichols:

The above-referenced Freedom of Information Act (FOIA) request seeks “[a]ny and all records related to the March 1, 2012 final rule signed by EPA Administrator Lisa Jackson entitled, ‘Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Regional Haze.’” When Jonah Staller and I discussed the request with you on March 20, 2012, you indicated that you considered the request to cover all documents related to EPA’s development of both the proposed rule and the final rule, including internal communications and drafts of such rules.

As we discussed with you in March and on April 2, 2012, due to unusual circumstances, as defined in the Freedom of Information Act, EPA cannot meet the statutory time limit for processing your request. Specifically, due to the breadth of your request, Agency personnel will need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records in order to respond. See 40 CFR 2.104(d); 5 USC 552(a)(6)(B)(iii).

In our April 2, 2012 conversation, we said that we would need until September 1, 2012 to respond to your request. As an alternative, we offered you the opportunity to narrow your request so as to allow an earlier response, but you declined our offer.

You agreed to September 1, 2012 as an outside date for EPA to respond to your FOIA request, and EPA intends to provide our response no later than that date. As I indicated in our April 3, 2012 conversation, we will expedite our response if possible. You and I also agreed on a starting date of March 3, 2010 for your request, the date that North Dakota submitted its regional haze SIP to EPA.

Thank you for your willingness to work with us. If you have any questions, please contact me at [\(303\) 312-6281](tel:3033126281).

Sincerely,

Gail Fallon
Regional Haze Program Manager
Air Quality Planning Unit (8P-AR)
US EPA Region 8
1595 Wynkoop Street

Denver, CO 80202-1129
Phone: [303-312-6281](tel:303-312-6281)
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Jeremy Nichols
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